

ANDOVER BOARD OF HEALTH
Minutes
May 12, 2008, 6 P.M.
1st Floor Conference Room
36 Bartlet Street

The Board of Health meeting was called to order at 6:04 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Margaret N. Kruse, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Dr. Donald H. Miller, Vice-Chairman, was not present due to a scheduling conflict.

I. Approval of Minutes

- **April 7, 2008**

Motion by Ms. Kruse, seconded by Ms. Martin to approve the Minutes of the Meeting of April 7, 2008. Unanimous approval.

- **May 1, 2008**

Motion by Ms. Kruse, seconded by Ms. Martin to approve the Minutes of the Meeting of May 1, 2008. Unanimous approval.

II. Appointments & Hearings

- N/A

III. Discussion

- **Town Meeting Recap** – The Board expressed concern that the residents of Andover who were in favor the Anti-Blight By-law Warrant Article were not able to voice their opinions because of a Town Meeting rule. Ms. Kruse stated that the League of Women Voters was hoping to speak with Mr. Stapczynski, Town Manager, to see if that particular rule could be changed. Mr. Carbone stated that he believes the Moderator was the person who really runs the Town Meeting, and that she actually could have let them speak. The Board agreed that there needs to be a better definition of the rules so that the residents of the Town of Andover have a chance to voice their opinions before a call for a vote is taken.
- **Complaint Process (Not on Agenda)** – Ms. Martin asked about the process of taking a complaint and if we can take them anonymously. Ms. Martin thinks that more people would be willing to file a complaint if they did not have to give their names. Mr. Carbone explained that the Health Division does accept an anonymous complaint, but that the Building Division does not. We generally do not give out the name of a person who filed a complaint, but if a name is on the complaint and there is court action, the person's name would have to be released. We fill out a complaint

form whether we have a name or not and have been tracking those complaints since 2007.

IV. Old Business

- **Ninety-Nine Restaurant Septic System** – Present at the meeting was Design Engineer, Jim Morin who, along with Windriver Environmental, was hired to replace the septic system at the Ninety-Nine Restaurant. Mr. Morin was asked to come to the meeting because he had failed to file a new plan in time as requested at the last Board of Health Meeting on April 7, 2008. At that meeting, the Board decided the Ninety-Nine Restaurant could keep the increased seating if plans were filed in two weeks, but a preliminary plan was not received until Friday, May 9, 2008. Daily monitoring continues and the system is pumped when necessary. Mr. Morin informed the Board that he was waiting for three bids with a deadline of May 16, 2008. They want to design the system to accommodate 113 seats instead of 90, and plan to use an air injection pump which improves the water quality and makes the leachfield last longer. Mr. Morin assured the Board that he would have a new plan into the Health Division by Wednesday, May, 14, 2008. The Board was satisfied with this assurance.
- **Society of Friars Septic System** – Mr. Carbone explained that preparations have begun to get the septic project going. A Septic Installer took the Disposal Works Installers License test so that he could do the project. Mr. Ed Doherty has also filed a subdivision plan for Merrimack Estates. A new version of the Subdivision plans was submitted which incorporated eight lots.
- **Watershed Advisory Committee Status** – Mr. Carbone stated that, for the most part, their goals have been completed. They are working on a year-end report, and they are hoping to continue the committee for another year to create operating procedures and changes to the By-law in order to improve our ability to protect the watershed.
- **Salt Shed Update (Not on Agenda)** – Mr. Stapczynski, Town Manager, Jack Petkus, DPW Director, and Mass Highway will be working on coming up with a plan for documenting the best location for the Salt Shed.
- **Food Inspection and High School Students (Not on Agenda)** – Mr. Carbone informed the Board that he would be meeting again with the High School Students within a month and would update the Board in June.
- **Letter and Report from CDM Concerning Arsenic Investigation of Downgradient Wetland Sediments (In Correspondence)** – The Board discussed the report and expressed its concerns because of the arsenic found at the site. The report requires putting up signs and fencing where high arsenic concentrations are detected off site on private property downgradient of the landfill.

- **Sale of Lantern Brunch – Update (Not on Agenda)** – Mr. Carbone updated the Board about the person who inquired what had to be done in order to buy the Lantern Brunch. There are several improvements that have to be addressed if a sale takes place because of updates and changes to the code. Mr. Carbone and Ms. Patty Crafts, Health Agent, met with the prospective new owners to explain the changes that would have to take place. No decision has yet been made.
- **Raspberries Renovation- Update (Not on Agenda)** – Mr. Carbone confirmed that the restaurant did renovate and that the preparation area was moved to the front of the store instead of the back room.

V. Subdivision Definitive Plans

- N/A

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approval:

Ms. Kruse moved to approve, seconded by Ms Martin. The Board voted unanimously to approve the following Local Upgrade Approval:

- **2 Carriage Hill Road – LUA to allow SAS 4’ from SHWT where 5’ is required.**
- Mr. Carbone explained that a concerned neighbor alerted him and Ms. Crafts, Health Agent, to the failed septic system. Mr. Ben Osgood, Engineer, had drawn up plans in 2002 when the homeowner was going to sell her house, but the owner didn’t sell. The plans have now been resubmitted, and an LUA is required. Mr. Carbone recommended approval.

Unanimous approval.

B. B.S.I.P. – Ratify:

Ms. Martin moved to ratify, seconded by Ms. Kruse. The Board voted unanimously to ratify the following BSIP’s:

8	Brierwood Circle	TM	190	TL	56
5	Countryside Way	TM	82	TL	57
7	Ivana Drive	TM	86	TL	20
21	Ivana Drive	TM	86	TL	20
7	Launching Road	TM	204	TL	36
6	Mayflower Road	TM	90	TL	63
2	Muirfield Circle	TM	88	TL	105A
19	Vine Street	TM	44	TL	31

Unanimous approval.

C. S.S.A.P – Recommend Approval:

Ms. Martin moved to approve, seconded by Ms. Kruse. The Board voted unanimously to approve the following SSAP's:

8	Brierwood Circle	TM	190	TL	56
60	Canterbury Street	TM	87	TL	4
27	Ivana Drive	TM	86	TL	20
35	Ivana Drive	TM	86	TL	20
429	South Main Street	TM	82	TL	1D
3	Trevino Circle	TM	87	TL	38

Unanimous approval.

D. S.S.U.P.– Recommend Approval:

Ms. Martin moved to approve, seconded by Ms. Kruse. The Board voted unanimously to approve the following SSUP's:

21	Crenshaw Lane	TM	88	TL	105A
29	Crenshaw Lane	TM	88	TL	105A
4	Trevino Circle	TM	87	TL	27

Unanimous approval.

E. B.S.R.P. – Recommend Approval:

- N/A

VII. Staff Reports

A. Director's Report:

- **123 Tewksbury Street Septic System** – Mr. Carbone sent a letter out to this property which is a chicken processing plant with a failed septic system that was overflowing onto the surface of the property. The business is now required to pump on a daily basis. While doing test holes, the owner expressed a desire to connect to the Tewksbury sewer system. In 2004 an article at Town Meeting was approved to allow this and Mr. Carbone was waiting for the Town Clerk to verify the vote. Mr. Carbone did speak with Mr. Stapczynski, Town Manager, who said that each decision would be site specific, and that the Town of Tewksbury would have to agree to allow that connection.
- **Status of Institutional Biosafety Committees** – Mr. Carbone told the Board that Eisai held a meeting last week, and the next meeting will be in December.

The three rDNA facilities that are licensed with us are Wyeth, Eisai and Physical Sciences Institute. Physical Sciences Institute is a small scale testing lab, and there were some cleanliness issues at the last inspection carried out by Mr. Carbone and Dr. John Kimball.

- **Andover Home for Aged People Grant** – Mr. Carbone explained that additional funding has been received to continue the monthly Cholesterol screenings.
- **Casco Crossing Illegal Pool – Update (Not on Agenda)** – Mr. Carbone stated that last fall it was discovered that a semi-public pool at Casco Crossing was constructed without a permit. The pool was ordered emptied and closed until a permit was issued. We have not received any acceptable plans from them yet; some documents were received, but have been rejected. There is now an issue with the height of the fence. Mr. Carbone is not sure if the pool company will find an Engineer to stamp the plans, so there are issues remaining that have to be resolved.
- **Bioterrorism Grant Update (Not on Agenda)** – Mr. Carbone informed the Board that the six other communities voted for Andover to remain the Host Agency, pending final Grant conditions. There are specific goals that have to be met. Andover will also be the Host Agency for the Medical Reserve Corp (MRC). Mr. Carbone will be setting up an account in Accounting and hopes to hire a Part-Time Coordinator to be paid for with the Grant money. Mr. Carbone still has funds available to spend on needed supplies and equipment.
- **Important Dates:**
 - **May 20 @ 7 p.m.** – Fish Brook Watershed Advisory Committee – The meeting was changed from the 2nd Tuesday of the month to the 3rd Tuesday.
 - **May 28 @ 3 p.m.** – DPH Commissioner to hold Regional Dialogue – Lowell General Hospital
 - **June 9 @ 6 p.m.** – Board of Health Meeting
 - **June 17 @ 7 p.m.** – Fish Brook Watershed Advisory Committee
 - **June 21 through 26** – Director to NEHA Conference

B. Nurses' Report for April, 2008 – The Nurses Reports were for informational purposes only.

C. Inspectors' Reports for April, 2008 – The Inspectors' Reports were for informational purposes only.

VIII. Board Member Reports:

- **Temporary Food Permit Questions per Ms. Kruse** – Ms. Kruse has been asked several times about parties and when Temporary Food Permits are needed. She

asked Mr. Carbone if there could be some information placed onto the Town of Andover website, because there is a lot of confusion whether such items as cupcakes, cookies, pre-wrapped items and store bought pizza could be brought to private events without having to obtain a permit. Mr. Carbone explained that Andover has a more strict enforcement than other communities. Ms. Kruse has requested more information and some direct guidelines the public can follow. Mr. Carbone agreed to create a document for the next Board of Health Meeting on June 9, 2008, with answers to frequently asked questions for the Board's review and input.

IX. Adjournment

Motion by Ms. Kruse, seconded by Ms. Martin, to adjourn at 7:23 p.m. Unanimous approval.